

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mahendra R. Patel, et al.
Application No.: 10/743,367
Filing Date: December 22, 2003
Confirmation No.: 7967
Title: Extended Release Antibiotic Composition
Examiner: Paul V. Ward (571-272-2909)
Group Art Unit: 1624

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.133, the Applicants submit this, their summary of the telephone interview held between the undersigned and Examiner Paul V. Ward, on December 8, 2010.

While the Examiner's portrayal of the interview is believed to be accurate, so far as it goes, Applicants believe a better record may be provided by Supplementing the Examiner's comments with the following additional information pertaining to what happened and the context in which it happened.

In particular, Applicants wish to note that in their response of October 11, 2010, to the Ex Parte Quale action of August 11, 2010, they explained how they believed rejoinder of independent Claim 15 and 20 (and their dependents) would be appropriate without any amendment to the claims, since it was already sufficiently clear that the compositions referred to in these claims would be of substantially the same scope as that of Claim 1. In his call of December 8, 2010, following his receipt/ consideration of Applicants' response, the Examiner indicated his belief that Claims 15 and 20 still needed to be amended in the specific way proposed in order to make it sufficiently clear, in his view, that the compositions referred to in these claims would be substantially in accordance with that required by Claim 1. While Applicants continued to believe this fact was clear enough given the limitations already in

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Claims 15 and 20, they nonetheless agreed to amend these claims to make specific reference to the composition of Claim 1 for the avoidance of doubt, even though there was believed to be no doubt, especially given what Applicants had already said on the record in their response of October 11, 2010. The undersigned agreed to these amendments, and the changes were then entered into the case by way of an Examiner's amendment. The entry of this Examiner's Amendment then resulted in an allowance of the case.

No further issues of substance were discussed during the telephone interview.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. **12-2355**.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: /Mark S. Graham/

Mark S. Graham

Registration No. 32,355

Date: January 17, 2011
P.O. Box 1871
Knoxville, Tennessee 37901
(865) 546-4305

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